IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Fisher *et al.*		
Serial No.	:	09/937,165	Authorized Officer:	Not Yet Assigned
Filed	:	September 21, 2001	Group Art Unit:	Not Yet Assigned
For	:	IMPROVED EXPRESSION VECTOR FOR CONSISTENT CELLULAR EXPRESSION OF THE TET-ON REPRESSOR IN MULTIPLE CELL TYPES		

INFORMATION
DISCLOSURE
STATEMENT

EXPRESS MAIL LABEL NO: ET346775102US **August 26, 2002**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants respectfully request that the citations relating to the above-mentioned application listed herein and on the accompanying PTO Form 1449 be made of record in the U.S. Patent and Trademark Office. Copies of the 46 citations listed on the accompanying PTO Form 1449 are enclosed. The Examiner's attention is invited to references marked with an asterisk (*), which are deemed to be particularly relevant.

1. Blau, H., and Rossi, F.M.V. (1999). Tet B or not tet B: Advances in tetracycline-inducible gene expression. Proc. Natl. Acad. Sci. USA **96:**797-799.

*2. Gopalkrishnan, R.V., Christiansen, K.A., Goldstein, N.I., DePinho, R.A., and Fisher, P.B. (1999). Use of the human EF-1alpha promoter for expression can significantly increase success in establishing stable cell lines with consistent expression: a study using the tetracycline-inducible system in human cancer cells. Nucleic Acids Res. **27**:4775-4782.

3. Bieschke, E.E., Wheeler, J.C., and Tower, J. (1998). Doxycycline-induced transgene expression during Drosophilia development and aging. Mol. Gen. Genet. **258:**571-579.

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7. Rossi, F.M., Guicherit, O.M., Spicher, A., Kringstein, A.M., Fatyol, K., Blakely, B.T., and Blau, H.M. (1998). Tetracycline-regulatable factors with distinct dimerization domains allow reversible growth inhibition by pl6. Nat. Genet. **20:**389-393.

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28. Miller, K., and Rizzino, A. (1995). The function of inducible promoter systems in F9 embryonal carcinoma cells. Exp. Cell Res. **218:**144-150.

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*30. U.S. Patent 5,464,758 (Gossen et al.) issued November 7, 1995. Tight control of gene expression in eucaryotic cells by tetracycline-responsive promoters.

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*33. Gossen, M., Bonin, A.L., Freundlieb, S., and Bujard, H. (1994). Inducible gene expression systems for higher eukaryotic cells" Curr. Opin. Biotechnol. **5:**516-520.

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*41. Kim, D.W., Uetsuki, T., Kaziro, Y., Yamaguchi, N., and Sugano, S. (1990). Uses of the human elongation factor 1 alpha promoter as a versatile and efficient expression system. Gene **91**:217-223.

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*46. Palmiter R.D., Norstedt G., Gelinas R.E., Hammer R.E., and Brinster R.L. (1983). Metallothionein-human GH fusion genes stimulate growth of mice. Science **222**:809-814.

The submission of this Information Disclosure Statement does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If the Examiner applies

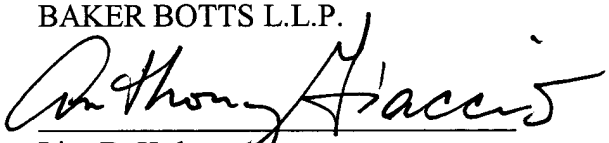
any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

This Information Disclosure Statement is being filed, Applicants believe, before the mailing date of a first Office Action on the merits for the above-referenced application. Therefore, Applicants do not believe that any fee is due connection with the filing of this Statement. However, if any fee is due or overpayment made, the Commissioner is authorized to charge any such fee, and to credit any overpayment, to our Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



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Enclosures

Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office	Atty. Docket No. 34585-A-PCT-USA (070050.1739)	Serial No. 09/937,165
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Applicant Fisher *et al.*	
	Filing Date September 21, 2001	Group Not Yet Assigned

U.S. PATENT DOCUMENTS

*Exam. Init.		Document No.							Date	Name	Class	Subclass	Filing Date if Appropriate
	*30.	5	4	6	4	7	5	8	11/7/95	Gossen et al.			

FOREIGN PATENT DOCUMENT

		Document No.							Date	Country	Class	SubClass	Translator Yes	Translator No

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

	1.		Blau, H., and Rossi, F.M.V. (1999). Tet B or not tet B: Advances in tetracycline-inducible gene expression. Proc. Natl. Acad. Sci. USA **96:**797-799.
	*2.		Gopalkrishnan, R.V., Christiansen, K.A., Goldstein, N.I., DePinho, R.A., and Fisher, P.B. (1999). Use of the human EF-1alpha promoter for expression can significantly increase success in establishing stable cell lines with consistent expression: a study using the tetracycline-inducible system in human cancer cells. Nucleic Acids Res. **27**:4775-4782.
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	*20.		Shockett, P.E., and Schatz, D.G. (1996). Diverse strategies for tetracycline-regulated inducible gene expression. Proc. Natl. Acad. Sci. USA **93:**5173-5176.

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